

JS 44C/SDNY  
REV. 5/2010**CIVIL COVER SHEET**11CV7331  
JONES

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

David A. Radke

**DEFENDANTS**

Motors Liquidation Company

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)****ATTORNEYS (IF KNOWN)****CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 U.S.C. 158

Has this or a similar case been previously filed in SDNY at any time? No  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_**(PLACE AN [X] IN ONE BOX ONLY)****NATURE OF SUIT****ACTIONS UNDER STATUTES**

	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>		
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE	[ ] 400 STATE REAPPORTIONMENT
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 620 OTHER FOOD & DRUG	[ ] 410 ANTITRUST
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 430 BANKS & BANKING
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY		[ ] 630 LIQUOR LAWS	[ ] 450 COMMERCE
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY		[ ] 640 RR & TRUCK	[ ] 460 DEPORTATION
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 650 AIRLINE REGS	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 152 RECOVERY OF DEFOLTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 480 CONSUMER CREDIT
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE		[ ] 490 CABLE/SATELLITE TV
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	<b>LABOR</b>	[ ] 510 SELECTIVE SERVICE
[ ] 190 OTHER CONTRACT			[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 195 CONTRACT PRODUCT LIABILITY			[ ] 720 LABOR/MGMT RELATIONS	[ ] 875 CUSTOMER CHALLENGE
[ ] 196 FRANCHISE	<b>ACTIONS UNDER STATUTES</b>		[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[ ] 890 OTHER STATUTORY ACTIONS
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	[ ] 740 RAILWAY LABOR ACT	[ ] 891 AGRICULTURAL ACTS
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 780 OTHER LABOR LITIGATION	[ ] 892 ECONOMIC STABILIZATION ACT
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	[ ] 511 ACCOMMODATIONS	[ ] 791 EMPL RET INC SECURITY ACT	[ ] 893 ENVIRONMENTAL MATTERS
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 520 20 USC 2255		[ ] 894 ENERGY ALLOCATION ACT
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 530 HABEAS CORPUS	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 245 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 535 DEATH PENALTY	[ ] 871 IRS-THIRD PARTY	[ ] 900 APPEAL OF FEE DETERMINATION
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 540 MANDAMUS & OTHER	[ ] 872 26 USC 7609	[ ] 905 EQUAL ACCESS TO JUSTICE
	[ ] 440 OTHER CIVIL RIGHTS	[ ] 550 CIVIL RIGHTS		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
		[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding                               | <input type="checkbox"/> 2a. Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se. |   |  |   |  |   |  |

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |                                      |
|---|---|---|--------------------------------------|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY |
|---|---|---|--------------------------------------|

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4		FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 10/18/2011 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

NO  
 YES (DATE ADMITTED Mo. \_\_\_\_\_ Yr. \_\_\_\_\_)  
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)